

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-3 and 5-10 remain in the application. Claims 1 and 6 have been amended. Claim 4 has been cancelled.

In the section entitled "Claim Rejections - 35 USC § 112" on page 2 of the above-identified Office action, claims 1 and 6 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

Claims 1 and 6 have been amended to overcome the alleged deficiencies. Support for the changes can be found in original claim 4 and page 7, lines 11-12 of the specification, respectively.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic and/or clarificatory reasons. The changes are neither provided for overcoming the prior art nor do they

narrow the scope of the claims for any reason related to the statutory requirements for a patent.

In the section entitled "Claim Rejections - 35 USC § 103" on pages 3-4 of the above-mentioned Office action, claims 1-10 have been rejected as being unpatentable over Ye et al. (US Pat. No. 6,080,529) in view of Subramanion et al. (US Pat. No. 5,986,344) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

etching the organic antireflection layer with an etching gas composition containing at least 80% hydrogen and nitrogen.

Ye et al. teach an etching of a low-k dielectric material such as FLARE and Subramanion et al. teach the use of FLARE as an organic ARC layer. Moreover, Ye et al. teach an etchant

containing hydrogen and nitrogen. However, Ye et al. do not teach the use of an etchant composed of hydrogen and nitrogen to etch FLARE. With respect to a low-k dielectric layer made of FLARE, Ye et al. only disclose the use of an etchant containing oxygen (see column 22, line 15) or NH_3 (see column 22, line 42). Therefore, it is not derivable from a combination of Ye et al. and Subramanion et al. to use an etching chemistry for an organic ARC layer containing hydrogen and nitrogen in an amount of at least 80% as disclosed in claim 1 of the instant application. As stated on page 8, lines 7-12, of the specification of the instant application, by using an etchant containing at least 80% nitrogen and hydrogen a selectivity of more than 1:50 for an organic ARC layer etching in relation to the semiconductor layer lying underneath can be achieved. This new and unexpected result is not derivable from the cited prior art references.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since claims 2-3 and 5-10 are ultimately dependent on claim 1, they are believed to be patentable as well. Claim 4 has been cancelled.

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In view of the foregoing, reconsideration and allowance of claims 1-3 and 5-10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

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